

HOUSE

AMENDMENT NO. 1760L04.01F

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Offered by

St Onse of 88th

Amend House Substitute for House Bill No. 668,

Page 12, Section 226.030, Line 9,

by inserting immediately after said line the following:

226.096 1. This section shall govern any controversy or claim to which the Missouri department of transportation is a party, that arises out of or relates to a contract awarded pursuant to subdivision (9) of subsection 1 of section 226.130 and the claim exceeds twenty-five thousand dollars. Provided a claim has been filed pursuant to the procedures set forth in the Missouri Standard Specifications for Highway Construction, or its successor, upon issuance of a final decision as provided in such standards or upon expiration of ninety days from the date the claim was filed, the controversy or claim shall upon written demand by any party to the contract, be settled by arbitration administered by the American Arbitration Association under its Construction Industry Arbitration Rules, except as provided herein. The highway and transportation commission shall promulgate rules pursuant to chapter 536 RSMo, to become effective on or before July 1, 2004, establishing a method for appointment of arbitrators and allowing for the mediation of claims upon agreement of both parties. Judgment upon awards rendered under arbitration shall be entered in the circuit court of Cole County, Missouri.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonserverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.